IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6402 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ATGAM KALWADA VIBHAG KELAVANI MANDAL - THROUGH CHAIRMAN

Versus

STATE OF GUJARAT

Appearance:

MR HJ NANAVATI for Petitioner Nos. 1-2

MS SONAL VYAS, AGP for Respondent Nos. 1-3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 25/07/2002

ORAL JUDGEMENT

#. Rule. Ms.Sonal Vyas, learned AGP waives service of notice of rule for the respondent - State of Gujarat.

#. No reply is filed in the matter by the respondents.

However, it has been conceded by Ms.Vyas, learned AGP for the respondents that without extending any opportunity of hearing, the impugned orders were passed by the authorities. Therefore, authorities are inclined to give proper opportunity of hearing to the petitioners and, thereafter, pass the order in accordance with law.

#. In view of the above, this petition is allowed and the impugned orders dated 23/01/2002 and 21/03/2002 passed by Commissioner of respondent No.2 and Section Officer of respondent No.1 respectively are hereby quashed and set aside. The respondents are directed to pass fresh order in accordance with law, after extending an opportunity of hearing to the petitioners.

With these observations and directions, this petition is disposed of. Rule is made absolute to the aforesaid extent. No order as to costs.

[B. J. SHETHNA,J.]

vrp